

FARAD CONTINUATION SHEET NO.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2206 OF 2006

Govind Shrikishan Biyani)..Applicant

Versus

State of Maharashtra)..Respondent

Office Notes, Office
Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders
or directions and
Registrar's orders

Mr.M.B.Zanwar for the applicant.

Mr.K.V.Saste APP for the State.

Coram : R.S.Mohite, J

Date : 3.7.2006

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.327/2003 registered by the Deccan police station, Pune for offences under Sections 364 & 384 of IPC. The FIR is registered by one Yelappa Deglurkar on 20.8.2003 and from the said it is evident that the son of the complainant by name Vinayak who was a boy aged 20 years was kidnapped on 20.7.2003

and unknown persons made demand for ransom of Rs.1,50,000/-. In the meanwhile, on 22.7.2003 a dead body of unknown person was found at Bhoibawada ghat in Sindhudurg district. After the FIR was lodged on 20.8.2006 it appears that in the course of investigation the police could trace out mobile of the deceased which was said to have been sold to one Javed Mujawar by one Bharat Mobile services. The fact that mobile sold to Bharat Mobile services was the telephone of the deceased and was recovered by the police on the basis of EMI number. The police then recorded the statement of one Shridhar, owner of Bharat Mobile services and according to his statement, the present applicant sold Nokia phone model-3115 to him about 3 months ago. On perusal of statement of Shridhar it prima facie appears that the same is vague. The date of sale is not specified. Precisely, Shridhar

does not talk about sale of the phone to Javed Mujawar. Also surprisingly the phone is not shown to be recovered from Javed Mujawar. There is prima facie appears to be some lacuna. The other evidence is about last seen together by 2 friends whose statements have been recorded on 3.11.2003. They did not disclose anything to the police for over 3 months. In my view, though the offence is very serious, on the merits, the applicant can be released on bail. It is therefore, directed that pending his trial in Sessions Case No.317/2005, the applicant may be released on bail in the sum of Rs.25,000/- with one surety in the like amount subject to the condition that he will report to the investigating officer, DCP, CID Crime branch, once a month on every first Monday till the disposal of the trial. I am informed that this is an old case of 2003. It has been

treated as custody matter and the trial is about to commence. The trial in this case is expedited and the Court will proceed as per the schedule already fixed. Application stands disposed of.

(R.S.Mohite, J)